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Sadler, Breen, Morasch & Colby, ps 601 W. Main Ave. Suite 1300 Spokane, WA 99201			EXAMINER SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3685	
			NOTIFICATION DATE	DELIVERY MODE
			10/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@sbmc-law.com

Office Action Summary

Application No.

09/668,213

Applicant(s)

WANG ET AL.

Examiner

CRISTINA SHERR

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/29/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-58 is/are pending in the application.
- 4a) Of the above claim(s) 30-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29 and 45-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date February 25, 2010, May 12, 2010, and June 29, 2010

DETAILED ACTION

1. This Office Action is in response to Applicant's Amendment filed June 29, 2010. Claims 1-4, 7-11, 13-16, and 18-28 are currently canceled. Claims 29-58 are newly added. Accordingly, claims 29-58 are currently pending in this case.

Election/Restrictions

2. Applicant's election with traverse of the restriction requirement issued in the reply filed on June 29, 2010 is acknowledged. The traversal is on the ground(s) that no serious burden exists. This is not found persuasive because the applicant has filed new set of claims since the latest Office Action on the merits.

3. The requirement is still deemed proper and is therefore made FINAL.

4. Accordingly, claims 29-58 are pending in this case. Claims 29, 45-58 are under examination.

Information Disclosure Statement

5. The information disclosure statements (IDS) submitted on February 25, 2010, May 12, 2010, and June 29, 2010, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 7-11, 13-16, and 18-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 29, 45-54 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinstein (US 4,453,074) in view of Rothstein (Edward Rothstein (1997, January 20). Making the Internet come to you, through 'push' technology. New York Times (Late Edition (east Coast)), p. 5. Retrieved December 7, 2007, from Banking Information Source database. (Document ID: 10883254).)

9. Regarding claims 29, 45, 57, and 58 -

10. Weinstein discloses a computer-implemented method (abs, fig2) comprising:
sending an order to purchase; (col 1 ln 35-40, col 1 ln 65-col 2 ln 10)
receiving, at a device, a transaction request from an electronic transaction system, the transaction request to fulfill the order to purchase the product; (col 4 ln 32-56)

determining, responsive to a selection approving the transaction request at the device, to approve the transaction request; (col 4 ln 32-34, col 10 ln 42-47, col 12 ln 34-50)

creating transaction approval data; (e.g. col 4 ln 32-56, 8 ln 36-59).

encrypting the transaction approval data at the device to provide encrypted transaction approval data; (col 4 ln 34-36, col 10 ln 42-47, col 12 ln 34-50) and

transmitting the encrypted transaction approval data to the electronic transaction system. (e.g. col 4 ln 32-56, col 8 ln 36-59).

11. Weinstein does not specifically disclose receiving, at a device, product information identifying a product. Rothstein, however, does, at, (e.g. par 3,).

12. It would be obvious to one of ordinary skill in the art to combine Weinstein with Rothstein motivated by the desire to increase sales by sending product information to buyers.

13. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

14. Regarding claim 46 –

15. Weinstein discloses wherein the electronic transaction system includes a self-checkout register and the operation of receiving the transaction request includes receiving the transaction request from the self-checkout register and through the port. (col 8 ln 35-60).

16. As above, Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

17. Regarding claim 47 –

18. Weinstein discloses a computing device further comprising instructions that are executable on the processor to cause the portable computing device to perform an operation comprising receiving, responsive to the operation of transmitting the encrypted transaction approval data, an indication that the order has successfully been placed with a vendor. (fig 2. col 8 ln 45-46, col 13 ln 25-35).

19. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

20. Regarding claim 48 –

21. Weinstein discloses a computing device further comprising instructions that are executable on the processor to cause the portable computing device to perform operations, prior to the operation of determining to approve the transaction request, comprising:

displaying, on a display screen of the computing device, the transaction request; (col 13 ln 25-35); and

receiving the selection approving the transaction request. (col 13 ln 15-35).

22. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

23. Regarding claim 49 –

24. Weinstein discloses wherein the operation of receiving the selection includes receiving a unique biometric through the portable computing device. (col 13 ln 39-42)

25. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

26. Regarding claim 50 –

27. Weinstein discloses wherein the operation of determining to approve the request includes determining that an identification card with which the computing device is in communication is associated with the electronic transaction system or a vendor associated with the electronic transaction system. (col 14 ln 4-22).

28. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

29. Regarding claim 51 –

30. Weinstein discloses wherein the operation of encrypting includes encrypting the transaction approval data using a private key of a public/private key pair, the private key uniquely held by the computing device. (col 4 ln 32-56, col 8 ln 36-59).

31. Weinstein does not specifically disclose a portable device. We note, however, that it is not regarded as inventive to merely make an old device portable or movable

without producing any new and unexpected result. *In re Lindberg*, 93 USPQ 23 (CCPA 1952).

32. Regarding claims 52-54 –

33. Weinstein does not specifically disclose the limitation of a scanner configured to receive product information. However, Official Notice is taken that barcode scanners, magnetic reader, and infrared ports are old and well-known, and would provide an economical, quick, and user-friendly way to read product information. Further, it would be a predictable result to use such scanners in order to read barcodes and/or OCR information. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007)

34. Regarding claim 56 –

35. Einstein discloses wherein the operation of sending the order includes sending the order to the electronic transaction system. (col 4 ln 32-56)

36. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinstein (US 4,453,074) in view of Rothstein (Edward Rothstein (1997, January 20). Making the Internet come to you, through 'push' technology. New York Times (Late Edition (east Coast)), p. 5. Retrieved December 7, 2007, from Banking Information Source database. (Document ID: 10883254).), further in view of Geer, Jr. et al (US 6,212,634).

37. Regarding claim 55 –

38. Weinstein and Rothstein disclose as above.

39. Geer discloses wherein the operation of sending the order is responsive to a total cost of the order and one or more other orders exceeding a pre-defined cost, an end of

an amount of time, or receiving an indication that a pre-defined price for the product has been met. (col 7 ln 20-30, col 7 ln 40-50).

Conclusion

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

41. Ballard et al (US 2004/0267673) discloses processing of credit card transactions using internet protocol.

42. Anderl et al (US 4,882,472) discloses a security file system and method for securing data in a portable data carrier.

43. Ginter et al (US 5,892,900) disclose systems and methods for secure transaction management and electronic rights protection.

44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

45. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

47. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

48. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRISTINA OWEN SHERR
Examiner
Art Unit 3685

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685

